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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT SCOTT WEST,

Defendant.

No. CR 08-00709 JW

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
JANUARY 15, 2009 THROUGH
MARCH 9, 2009 FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

On January 15, 2009, defendant Robert Scott West made his initial appearance before Magistrate Judge Patricia V. Trumbull. Paul Meltzer, Esq., appeared on behalf of the defendant. Assistant United States Attorney Hanley Chew appeared for the government. Magistrate Judge Trumbull ordered the parties to appear before United States District Court Judge James Ware on March 9, 2009 at 1:30 p.m. for trial setting in this matter.

The parties request that the Court enter this order documenting the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from January 15, 2009 through March 9, 2009. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from January 15, 2009 through March 9, 2009, based

STIPULATION AND [PROPOSED] ORDER
U.S. v. WEST, No. CR 08-00709 JW

FILED
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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

upon the need for the defense counsel to investigate further the facts of the present case. The government has already provided discovery and defense counsel needs additional time to review the discovery, evaluate further possible defenses and motions available to the defendant.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from January 15, 2009 through March 9, 2009.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from January 15, 2009 through March 9, 2009, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

Dated: January 15, 2009

Dated: January 15, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

HANLEY CHEW
Assistant United States Attorney

PAUL MELTZER
Attorney for defendant
Robert Scott West

[PROPOSED] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from January 15, 2009 through March 9, 2009 based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the

1 government has already provided and evaluate further possible defenses and motions available to
2 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
3 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
4 calculations the period from January 15, 2009 through March 9, 2009.

5 Accordingly, the Court further orders that the time from January 15, 2009 through March
6 9, 2009 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and that
7 the parties appear before Judge James Ware on March 9, 2009 at 1:30 p.m.

8 IT IS SO ORDERED.

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10 DATED: 1/15/09


11 THE HONORABLE PATRICIA V. TRUMBULL
12 United States Magistrate Judge
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